



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Central Regional Office, 627 Main Street, Worcester, MA 01608

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Governor

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Lieutenant Governor

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Secretary

ROBERT W. GOLLEDGE, Jr.  
Commissioner

## FINAL AIR QUALITY OPERATING PERMIT

Issued by the Massachusetts Department of Environmental Protection pursuant to its authority under M.G.L. c. 111, §142B and §142D, 310 CMR 7.00 et seq., and in accordance with the provisions of 310 CMR 7.00: Appendix C

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**ISSUED TO ["the Permittee"]:**

Northeast Energy Association  
ESI Northeast Energy Corp., Inc.  
P.O. Box 1400  
Juno Beach, Florida 33408-0420

**INFORMATION RELIED UPON:**

Application No. 79300  
Transmittal No. 79300  
Acid Rain Permit 10307  
Minor Modification TR # W070009

**FACILITY LOCATION:**

Bellingham Cogeneration Facility  
92B Depot Street  
Bellingham, Massachusetts 02019

**FACILITY IDENTIFYING NUMBERS:**

SSEIS ID: AQCR 120/PLT ID# 1550  
FMF FAC NO. 204934  
FMF RO NO. 194085

**NATURE OF BUSINESS:**

Electrical Power Generation

**PRIMARY SIC:**

4911

**RESPONSIBLE OFFICIAL:**

Name: A duly authorized  
Official of Northeast Energy  
Associates, a Limited Partnership

**FACILITY CONTACT PERSON:**

Name: Peter G. Holzapfel  
Title: General Manager  
Phone: 508-966-4872 ext 225

**This operating permit shall expire on July 12, 2007.**

For the Department of Environmental Protection,

\_\_\_\_\_  
Thomas P. Cusson, Permit Chief

\_\_\_\_\_  
Date

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This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057.

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## SPECIAL CONDITIONS FOR OPERATING PERMIT

**1. PERMITTED ACTIVITIES**

In accordance with the provisions of 310 CMR 7.00: Appendix C and applicable rules and regulations, the Permittee is authorized to operate air emission units as shown in Section 2 and 3. The units described in Section 2 are subject to the terms and conditions shown in Sections 4, 5, and 6 and to other terms and conditions as specified in this permit.

**2. EMISSION UNIT IDENTIFICATION**

The following emission units (Table 1) are subject to and regulated by this operating permit:

Table 1			
EU#	DESCRIPTION OF EMISSION UNIT	EU DESIGN CAPACITY	POLLUTION CONTROL DEVICE (PCD)
EU#1	Westinghouse Model #W501D5 Combustion Turbine	1,280x10 <sup>6</sup> BTU/hr on Natural Gas @ ISO conditions 1,236X10 <sup>6</sup> BTU/hr on #2 Oil @ ISO conditions	Steam Injection
EU#2	Westinghouse Model #W501D5 Combustion Turbine	1,280X10 <sup>6</sup> BTU/hr on Natural Gas @ ISO conditions 1,236X10 <sup>6</sup> BTU/hr on #2 Oil @ ISO conditions	Steam Injection

**3. IDENTIFICATION OF EXEMPT ACTIVITIES**

Table 2	
DESCRIPTION OF CURRENT EXEMPT ACTIVITIES	REASON
The list of current exempt activities is contained in the Operating Permit application and shall be updated by the Permittee to reflect changes at the facility over the permit term. An up-to-date copy of insignificant activities list shall be kept on-site at the facility and a copy shall be submitted to the Department's Regional Office.	310 CMR 7.00:Appendix C (5)(h)

#### 4. APPLICABLE REQUIREMENTS

##### A. EMISSION LIMITS <sup>1</sup> AND RESTRICTIONS

The Permittee is subject to the emission limit/restrictions as contained in Table 3 below.

Table 3									
EU#	FUEL	POLLUTANT	EMISSION LIMIT/STANDARD		TOTAL FACILITY COMBINED EMISSIONS UNITS #1 & #2 (TPY)				
EU#1 & #2	Natural Gas	PM	.0047 lb/MMBtu. (12 lbs/hr plant total) and 48.0 tons per year 12 month rolling total		PM 105	SO <sub>2</sub> 206	NOx 1017	CO 822	VOC 57
		SO <sub>2</sub>	.0016 lb/MMBtu. (4 lbs/hr plant total) and 16.0 tons per year 12 month rolling total		<div>RESTRICTIONS</div> <div>1. Turbine #1 &amp; #2 may operate for 720 hours (30 days) on distillate fuel oil for each turbine combustor or any combination of hours on oil such that the facility does not exceed a total of 1440 hours during any calendar year.</div> <div>2. The distillate fuel oil maximum sulfur content shall not exceed .2 percent by weight (.2%).</div> <div>3. Startup – NOx-average of 865 lb/hr over 2 hour period, CO-average of 1000 lb/hr over a 2 hour period.</div> <div>4. Shutdown -NOx-average of 1080 lb/hr over 2 hour period, CO-average of 1000 lb/hr over a 2 hour period.</div>				
		NOx	.0859 lb/MMBtu. <sup>2</sup> (220 lbs/hr plant total) and 884.0 tons per 12 month rolling total						
		CO	0.0516 lb/MMBtu. (132 lbs/hr plant total) and 531.5 tons per 12 month rolling total						
		VOC	0.0043 lb/MMBtu. (11 lbs/hr plant total) and 44.0 tons per 12 month rolling total						
EU#1 & #2	#2 Oil <sup>3</sup>	PM	0.0647 lb/MMBtu. (160 lbs/hr plant total) and 57.0 tons per 12 month rolling total		<div>APPLICABLE REGULATION AND/OR APPROVAL</div> <div>1. Final Approval - #CR-88-C-001(A)</div> <div>2. Emission Control Plan - Transmittal #79291 (11/3/94)</div> <div>3. 310 CMR 7.19 (7)</div> <div>4. 310 CMR 7.27</div> <div>5. Transmittal No. 137041 (6/3/98)</div> <div>6. 40 CFR Part 60 Subpart GG</div>				
		SO <sub>2</sub>	0.2136 lb/MMBtu. (528 lbs/hr plant total) and 190.0 tons per 12 month rolling total						
		NOx	0.1497 lb/MMBtu. <sup>4</sup> (370 lbs/hr plant total) and 133.0 tons per 12 month rolling total						
		CO	0.3277 lb/MMBtu. (810 lbs/hr plant total) and 291.0 tons per 12 month rolling total						
		VOC	0.0151 lb/MMBtu. (37.4 lbs/hr plant total) and 13.0 tons per 12 month rolling total						
Facility Wide		Opacity	Opacity exclusive of uncombined water shall not exceed 10% at all times, during all modes of operation, including startups and shutdowns of the combustion turbine.						

<sup>1</sup>Maximum emissions when corrected to ISO design conditions; <sup>2</sup>NOx equivalent to 25 ppm (@ 15% O<sub>2</sub>); <sup>3</sup>Restricted to low sulfur (0.2%, or less distillate fuel oil);

<sup>4</sup>NOx equivalent to 42 ppm (@15% O<sub>2</sub>). The above emission limits expressed in pounds per million BTU (lb/MMB.t.u.) do not apply during startup and shutdown. The emission limits for startup and shutdown (startup and shutdown include the startup or shutdown of EU #1, EU #2 or the facility steam turbine) are reflected in the restrictions.

B. COMPLIANCE DEMONSTRATION

The Permittee is subject to the monitoring/testing, recordkeeping, and reporting requirements as contained in Table 4, 5, and 6 below and 310 CMR 7.00 Appendix C (9) and (10) and a requirement of the plan approval letter (Transmittal #CR-88-C-001 (A) dated June 11, 1992).

TABLE 4	
EU#	MONITORING/TESTING REQUIREMENTS
EU #1 and #2	<p>1. Monitoring Devices - The Permittee shall maintain the following continuous emission monitors (CEMs) in an accurate operating condition to monitor continuously the following parameters in accordance with the Plan Approval #CR-88-C-001(A) and 310 CMR 7.00 Appendix C(9). The CEMs shall comply with 40 CFR 60, Appendix B (Performance Specifications), and 40 CFR 60, Appendix F (Quality Control Procedures). The CEMs shall be calibrated, tested and maintained in accordance with the manufacturers', the Department's and the Federal USEPA requirements.</p> <ul style="list-style-type: none"> <li>a. Oxygen (O<sub>2</sub>)</li> <li>b. Oxides of Nitrogen (NO<sub>x</sub>)</li> <li>c. Carbon Monoxide (CO)</li> <li>d. Opacity</li> </ul> <p>2. Compliance with the NO<sub>x</sub> and CO emission limits shall be demonstrated with a Continuous Emission Monitor as required by Plan Approval #CR-88-C-001 (A).</p> <p>3. The Permittee shall develop and maintain a schedule to monitor the nitrogen and sulfur content of natural gas and # 2 fuel in accordance with 40 CFR 60.</p> <p>4. Recording Devices - The Permittee shall maintain the following recording devices in an accurate operating condition as required by Plan Approval #CR-88-C-001(A).</p> <ul style="list-style-type: none"> <li>-Total fuel consumption (ft<sup>3</sup>/day, gal/day, or MMBtu./day)</li> <li>-Total NO<sub>x</sub> steam injection flow (lb/hr)</li> <li>-Total hours of operation on natural gas/#2 fuel oil (distillate)</li> <li>-Steam to fuel ratio (±5%)</li> <li>-Hourly total net electrical production (MW)</li> </ul> <p>5. Compliance with the allowable opacity limits shall be determined utilizing a Continuous Opacity Monitor and EPA Reference Method 9 in accordance with, as specified in 40 CFR 60, Appendix A and in accordance with 310 CMR 7.00: Appendix C (9)(b).</p> <p>6. In accordance with 310 CMR 7.13, the Department may require testing for any pollutants if deemed necessary to ascertain the mass emission rates and relationship to equipment design and operation.</p>

TABLE 4 (continued)	
EU#	MONITORING/TESTING REQUIREMENTS
EU#1 and EU#2	7. Emission testing to demonstrate compliance with the emission limits specified in Table 3 shall be in accordance with EPA approved reference test methods unless otherwise approved by EPA and the Department or unless otherwise specified and shall include test Methods 1 through 4, for Particulate Matter (Method 5), Sulfur Dioxide (Method 6C), Nitrogen Oxides (Method 7E), Carbon Monoxide (Method 10) and Total Gaseous Organic Concentration (Method 25A) as a requirement of 310 CMR 7.13.
	8. The Permittee shall conduct stack testing when the Department has determined that such stack testing is necessary to ascertain compliance with the Department's regulations or design approval provisions as a requirement of Plan Approval #CR-88-C-001(A). Such stack testing shall be: <ul style="list-style-type: none"> <li>a) conducted by a person knowledgeable in stack testing, and;</li> <li>b) conducted in accordance with procedures contained in a test protocol which has been approved by the Department, and;</li> <li>c) in the presence of a representative of the Department when such is deemed necessary in accordance with 310 CMR 7.13(1).</li> </ul>
	9. The Permittee shall monitor the operations of the entire facility such that necessary information is available for the preparation of the Source Registration Emission Statement Forms as required by 310 CMR 7.12.
	10. Monitoring to demonstrate compliance with the NOx Budget Program shall comply with 310 CMR 7.27(11) (f-n).

TABLE 5	
EU#	RECORDKEEPING REQUIREMENTS
EU #1 and EU #2	1. The Permittee shall maintain on site the following records for five (5) years from the date of generation as a requirement of Plan Approval #CR-88-C-001 (A) and 310 CMR 7.00 Appendix C (10)(b) and have the records readily available for inspection by the Department and EPA personnel within 30 days of a request by the Department or within a longer time period if approved by the Department. <ul style="list-style-type: none"> <li>a. All CEM data.</li> <li>b. Operating and maintenance log books. These log books shall contain the following information by day: <ul style="list-style-type: none"> <li>i) Date and hours of operation, date and time of start-up and shutdowns of each turbine combustor.</li> <li>ii) Date, time and description of all maintenance performed on the combustion turbines, steam injection system and continuous monitoring devices.</li> </ul> </li> </ul>

TABLE 5 continued	
EU#	RECORDKEEPING REQUIREMENTS
EU#1 and EU#2	<p>c. Quantity and type of fuel burned each hour.</p> <p>d. Calibration of all CEM monitoring devices, date, time and who performed the calibrations.</p> <p>e. Combustion equipment, emission control or monitoring device malfunctions, date and time of corrective action taken and description of said action and date reported to DEP.</p> <p>2. The Permittee shall maintain records on site that the emission units were inspected, maintained in accordance with manufacturer's recommendations and tested for efficient operation annually in accordance with 310 CMR 7.04(4)(a).</p> <p>3. The Permittee shall maintain records of emissions testing conducted to demonstrate compliance with the applicable requirements in Table 3 shall be in accordance with 310 CMR 7.13(1)(d).</p> <p>4. The Permittee shall maintain records of the sulfur and nitrogen content as a requirement of 310 CMR 7.00; Appendix C (10)(b) for a period of five years from the date of generation.</p> <p>5. The Permittee shall maintain sufficient records of its operations and monitoring information for the preparation of a Source Registration/Emission Statement Forms as required by 310 CMR 7.12.</p> <p>6. In accordance with 310 CMR 7.27(12), all measurement, data, reports and other information required by 310 CMR 7.27 shall be kept for five years from the date of generation.</p>

TABLE 6	
EU#	REPORTING REQUIREMENTS
EU#1 and EU#2	<p>1. The Permittee shall report to the Department of Environmental Protection on a quarterly basis a summary of continuous monitoring data for Nitrogen Oxides (NO<sub>x</sub>), Carbon Monoxide (CO) and Opacity showing any excursions from allowable emission levels or operating conditions (an explanation of any excursions shall be included) as a requirement of Plan Approval #CR-88-C-001(A). The facility may choose to submit quarterly reports that satisfy both CR-88-C-001(A) and the semi-annual reporting as required by 310 CMR 7.00 Appendix C(10)(c) providing all components of those forms have been included.</p> <p>2. In accordance with the Plan Approval #CR-88-C-001 (A), the CEM data for NO<sub>x</sub> and CO shall be reported in pounds per million BTU (lb/MMBTU). The reports are due by January 15, April 15, July 15 and October 15 of each year.</p> <p>3. In accordance with Plan Approval #CR-88-C-001(A), the Department shall be notified at least 24 hours in advance of any planned shutdown of either combustion turbine.</p> <p>4. The Department must be notified as soon as possible by telephone or fax after the occurrence of any upset or malfunction of air pollution control equipment or monitoring equipment and in writing within five (5) days of the event as a requirement of Plan Approval #CR-88-C-001 (A).</p>

TABLE 6 continued	
EU#	REPORTING REQUIREMENTS
EU #1 and EU #2	<p>5. Upon the Department's request, any records required by the applicable requirements identified in Section 4 of the operating permit, or the emissions of any air contaminant from the facility, shall be submitted to the Department within 30 days of the request by the Department, or within a longer time period if approved in writing by the Department. Said response shall be transmitted on paper, on computer disk, or electronically at the discretion of the Department, pursuant to 310 CMR 7.00 Appendix C(10)(a) incorporated herein by reference.</p>
	<p>6. The Permittee shall summarize and submit to the Department the results of stack testing as prescribed in the Department's approved pretest protocol, stack testing that was determined by the Department to be necessary to ascertain compliance with Department's regulations or design approval provisions in accordance with 310 CMR 7.13(1) and 310 CMR 7.13(2).</p>
	<p>7. All required reports must be certified by a responsible official of the Permittee as provided in 310 CMR 7.00: Appendix C (10)(h).</p>
	<p>8. In accordance with 310 CMR 7.27(13)(a)1, 310 CMR 7.27(13)(b) and 310 CMR 7.27(13)(c) the Permittee shall submit to the USEPA Acid Rain Division all NOx emissions and operating information for each calendar quarter of each year in accordance with the standards specified in 40 CFR Part 75 Subpart G. The submission must be in an electronic format, which meets the requirements of EPA's Electronic Data Reporting (EDR) convention. Quarterly reports must contain, NOx emissions in pounds, in a format consistent with the EDR convention. For units subject to 40 CFR Part 75 quarterly reports must be submitted as part of the quarterly reports submitted to EPA to comply with 40 CFR Part 75.</p>
	<p>9. Submit by January 15 for the previous 12 months a compliance certification report annually to the Department as required by 310 CMR 7.00: Appendix C (5)(b)9, (See Provision 10 of "GENERAL CONDITIONS FOR OPERATING PERMIT").</p>
	<p>10. In accordance with 310 CMR 7.00 Appendix C(10)(c), submit to the Department a Semi-Annual Report (one by January 31 for the time period July—December of the previous calendar year, and the other by July 31 for the time period January—June of the calendar year) of all monitoring data and related supporting information. The summaries shall correspond to items in Table 4 of this Operating Permit. It also summarizes all deviations that had been reported to the Department on an Operating Permit Deviation Report. A deviation is required to be reported by 310 CMR 7.00: Appendix C(10)(f) and operating permit General Condition 25. A deviation is defined in 40 CFR 70.6 as: "Any indication of noncompliance with a term or condition in the [Federal Operating] permit, as found using, at a minimum, compliance method data from monitoring, record keeping, reporting, or testing as required by the permit". These reports may be submitted more frequently than semi – annually.</p>
	<p>11. The annual Source Registration/Emission Statement report shall be submitted to the DEP office specified in the instructions. All other reports, including both 6-month summary reports, are to be submitted to the Central Regional Office address, as specified on the letterhead of this Operating Permit.</p>

### C. GENERAL APPLICABLE REQUIREMENTS



The Permittee shall comply with all generally applicable requirements contained in 310 CMR 7.00 et. seq. and 310 CMR 8.00 et. seq., when subject.

**D. REQUIREMENTS NOT CURRENTLY APPLICABLE**

The Permittee is currently not subject to the following requirements.

Table 7	
REGULATION	REASON
310 CMR 7.08:	The facility does not use incinerators.
310 CMR 7.16:	Reduction of Single Occupant Commuter Vehicle Use
310 CMR 7.18:	Volatile Organic Compounds
310 CMR 7.24:	Organic Material Storage and Distribution
40 CFR Part 82	Protection of Stratospheric Ozone
310 CMR 7.25	Facility does not manufacture or sell consumer and commercial products.
42 USC 7401§112	Does not exceed threshold
42 U.S.C. 7401, Section 112r 40 CFR 68	Facility does not store or process applicable chemicals above threshold.

**5. SPECIAL TERMS AND CONDITIONS**

The Permittee is subject to the following special terms and conditions in accordance with Plan Approval # CR-88-C-001 (A).

Table 8
Special Terms and Conditions
A. The emissions from the turbine combustor shall be emitted to the ambient air through a refractory brick lined stack, the top of which shall be 190 feet above ground level and has an equivalent exit diameter of 25 feet. The stack shall not be altered without prior Department approval.

Table 8. continued

Special Terms and Conditions

B. 310 CMR 7.27 - State NO<sub>x</sub> Allowance Program

Emission Units #1 and #2 are subject to the requirements of NO<sub>x</sub> Allowance Program, 310 CMR 7.27. The Department approved a Phase I Emission Control Plan (ECP) for this facility on June 3, 1998. The NO<sub>x</sub> Phase II and Phase III were approved on January 26, 2000 and September 17, 2001 respectively.

As per 310 CMR 7.27(6), the Authorized Account Representative (AAR) may buy, sell, trade, or transfer allowances for or between NO<sub>x</sub> Allowance Tracking Systems (NATS) compliance accounts at any time, up until December 31st of the corresponding ozone season. By December 31st of each year, the AAR must hold in the NO<sub>x</sub> NATS compliance account for each EU at least one allowance for each ton of NO<sub>x</sub> emitted during the corresponding ozone season (May 1st through September 30th). The number of allowances actually held in a NATS compliance account for an affected EU may differ from the number allocated by the Department.

Emission Units #1 and #2 are classified as "Full Allocation Units" as per 310 CMR 7.27(6). Full Allocation Unit allocations are listed in 310 CMR 7.27(6) Table 1. The unit allowance allocations for Bellingham Cogeneration Facility are identified below:

EU#	Year 1999	Year 2000	Year 2001	Year 2002
EU#1	229	229	229	229
EU#2	229	229	229	229

By May 1, 2003, the NO<sub>x</sub> allowance allocation for each NATS compliance account will be amended according to the new State allowance cap.

As per 310 CMR 7.27(8)(c), NO<sub>x</sub> Allowance transfers must occur as follows:

The transfer request must be on a form, or electronic media in a format determined by the NO<sub>x</sub> Allowance Tracking System.

Table 8 continued

Special Terms and Conditions

Requests must be submitted to the EPA and include at a minimum: the account numbers identifying both the originating account and the acquiring account; and, the names and addresses associated with the owners of the originating account and the acquiring account; and the serial number for each allowance being transferred. The transfer request must be authorized and certified by the Authorized Account representative for the originating account. To be considered correctly submitted, the request must include the statement of certification contained in 310 CMR 7.27(8)(c)2 verbatim.

As per 310 CMR 7.27(8)(i), any budget unit must make available to the Department, upon request, information regarding transaction cost and allowance price.

As per 310 CMR 7.27(14)(b), each year during the period November 1st through December 31st, inclusive, the Authorized Account Representative for each budget unit must request the NATS administrator to deduct current year allowances from the compliance account equivalent to the NOx emissions from the budget unit in the current control period.

The request must be submitted by the AAR to the NATS Administrator no later than December 31st. The request must identify the compliance account from which the deductions should be made, and if desired the serial numbers of the allowances to be deducted.

As per 310 CMR 7.27(15), for each control period the Authorized Account Representative for the budget unit must submit by December 31st of each year, an annual compliance certification. The Compliance Certification shall contain; at a minimum the items listed in 310 CMR 7.27(15)(c) 1 through 6.

C. Federal Phase II Acid Rain Requirements

1. EU1 and EU2 are subject to the requirements of Phase II of the Federal Acid Rain Program as defined by EPA in 40 CFR Part 72. Pursuant to 40 CFR Part 72.71, 40 CFR Part 72.73, and 310 CMR 7.00: Appendix C(3)(n), the Department is the permitting authority for Phase II Acid Rain Permits. Bellingham Cogeneration Facility became subject to the acid rain program on March 1, 2005. The Department issued the initial Phase II Acid Rain Permit on June 14, 2005 and is incorporating the requirements of the Phase II Acid Rain Permit into this Operating Permit. The Phase II Acid Rain Permit will renew with the Operating Permit.

2. Within 60 days of the end of each calendar year, the facility shall hold in its SO<sub>2</sub> allowance account at least one allowance for each ton of SO<sub>2</sub> emitted during the previous year. An allowance is a limited authorization to emit SO<sub>2</sub> in accordance with the Acid Rain Program.

Table 8 continued  
Special Terms and Conditions

3. If the facility has excess emissions in any calendar year, it shall submit a proposed offset plan as required under 40 CFR Part 77. In addition, the Permittee shall pay any penalties specified in 40 CFR Part 77 and comply with the terms of an approved offset plan.
4. In accordance with 40 CFR Part 73, the Permittee's designated representative may buy, sell, trade, or transfer allowances between EU accounts at any time, except between 60 days of the end of the calendar year and the completion of the annual SO<sub>2</sub> allowance reconciliation for the preceding year(s).
5. The yearly allowance allocations as identified in 40 CFR Part 73, Tables 2, 3, or 4 (as amended) are identified below:

EMISSION UNIT	YEARS		
	3/1/05 – 12/31/05	2006	2007
EU 1	0	0	0
EU 2	0	0	0

6. Within 60 days of the end of each calendar year the designated representative shall submit to the Department an annual compliance certification report pursuant to 40 CFR Part 72.9 Subpart I.

## 6. ALTERNATIVE OPERATING SCENARIOS

The Permittee did not request alternative operating scenarios in its operating permit application.

## 7. EMISSIONS TRADING

### A. Intra-facility emission trading

The Permittee did not request intra-facility emissions trading in its operating permit application.

Pursuant to 310 CMR 7.00: Appendix C(7)(b), emission trades, provided for in this permit, may be implemented provided the Permittee notifies The United States Environmental Protection Agency (EPA) and the Department at least fifteen (15) days in advance of the proposed changes and the Permittee provides the information required in 310 CMR 7.00: Appendix C(7)(b)3.

Any intra-facility change that does not qualify pursuant to 310 CMR 7.00: Appendix C(7)(b)2. is required to be submitted to the Department pursuant to 310 CMR 7.00: Appendix B.

**B. Inter-facility emission trading**

The Permittee did not request inter-facility emissions trading in its operating permit application. All increases in emissions due to emission trading must be authorized under the applicable requirements of 310 CMR 7.00: Appendix B (the "Emissions Trading Program") and the 42 U.S.C. section 7401 et seq. (the "Act"), and provided for in this permit.

**8. COMPLIANCE SCHEDULE**

The Permittee has indicated that the facility is in compliance and shall remain in compliance with the applicable requirements contained in Sections 4 and 5. The Permittee shall comply with any applicable requirements that become effective during the permit term.

**GENERAL CONDITIONS FOR OPERATING PERMIT**

**9. FEES**

The Permittee has paid the permit application processing fee and shall pay the annual compliance fee in accordance with the fee schedule pursuant to 310 CMR 4.00.

**10. COMPLIANCE CERTIFICATION**

All documents submitted to the Department shall contain certification by the responsible official of truth, accuracy, and completeness. Such certification shall be in compliance with 310 CMR 7.01(2) and contain the following language:

"I certify that I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment."

The Department will submit an “Operating Permit Reporting Kit” to the Permittee which contains instructions and the Annual Compliance Report and Certification and the Semi-Annual Monitoring summary Report and Certification.

(a) Annual Compliance Report and Certification

The Responsible Official shall certify, annually for the calendar year, that the facility is in compliance with the requirements of this permit. The report shall be postmarked or delivered by January 30 to the Department and to the Regional Administrator, U.S. Environmental Protection Agency - New England Region. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- i. the terms and conditions of the permit that are the basis of the certification;
- ii. the current compliance status and whether compliance was continuous or intermittent during the reporting period;
- iii. the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods; and
- iv. any additional information required by the Department to determine the compliance status of the source.

(b) Semi-Annual Monitoring Summary Report and Certification

The Responsible Official shall certify, semi-annually on the calendar year, that the facility is in compliance with the requirements of this permit. The report shall be postmarked or delivered by January 31 and June 31 to the Department. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- i. the terms and conditions of the permit that are the basis of the certification;
- ii. the current compliance status during the reporting period;
- iii. the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods;
- iv. whether there were any deviations during the reporting period;
- v. if there are any outstanding deviations at the time of reporting, and the Corrective Action Plan to remedy said deviation;
- vi. whether deviations in the reporting period were previously reported;
- vii. if there are any outstanding deviations at the time of reporting, the proposed date of return to compliance;
- viii. if the deviations in the reporting period have returned to compliance and date of such return to compliance; and

- ix. any additional information required by the Department to determine the compliance status of the source.

**11. NONCOMPLIANCE**

Any noncompliance with a permit condition constitutes a violation of 310 CMR 7.00: Appendix C and the Act, and is grounds for enforcement action, for permit termination or revocation, or for denial of an operating permit renewal application by the Department and/or EPA. Noncompliance may also be grounds for assessment of administrative or civil penalties under M.G.L. c.21A, §16 and 310 CMR 5.00; and civil penalties under M.G.L. c.111, §142A and 142B. This permit does not relieve the Permittee from the obligation to comply with any other provisions of 310 CMR 7.00 or the Act, or to obtain any other necessary authorizations from other governmental agencies, or to comply with all other applicable Federal, State, or Local rules and regulations, not addressed in this permit.

**12. PERMIT SHIELD**

A. This facility has a permit shield provided that it operates in compliance with the terms and conditions of this permit. Compliance with the terms and conditions of this permit shall be deemed compliance with all applicable requirements specifically identified in Sections 4, 5, 6, and 7 for the emission units as described in the Permittee's application and as identified in this permit.

Where there is a conflict between the terms and conditions of this permit and any earlier approval or permit, the terms and conditions of this permit control.

B. The Department has determined that the Permittee is not currently subject to the requirements listed in Section 4, Part D.

C. Nothing in this permit shall alter or affect the following:

1. the liability of the source for any violation of applicable requirements prior to or at the time of permit issuance.
2. the applicable requirements of the Acid Rain Program, consistent with 42 U.S.C. §7401, §408(a); or
3. the ability of EPA to obtain information under 42 U.S.C. §7401, §114 or §303 of the Act.

**13. ENFORCEMENT**

The following regulations found at 310 CMR 7.02(8) (h) Table 6 for wood fuel, 7.02(8)(i), 7.04(9), 7.05(8), 7.09 (odor), 7.10 (noise), 7.18(1)(b), 7.21, 7.22, and any condition(s)

designated as "state only" are not federally enforceable because they are not required under the Act or under any of its applicable requirements. These regulations and conditions are not enforceable by the EPA. Citizens may seek equitable or declaratory relief to enforce these regulations and conditions pursuant to Massachusetts General Law Chapter 214, Section 7A.

All other terms and conditions contained in this permit, including any provisions designed to limit a facility's potential to emit, are enforceable by the Department, EPA, and citizens as defined under the Act. A Permittee shall not claim as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. A Permittee shall not claim as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**14. PERMIT TERM**

This permit shall expire on the date specified on the cover page of this permit, which shall not be later than the date 5 years after issuance of this permit.

Permit expiration terminates the Permittee's right to operate the facility's emission units, control equipment or associated equipment covered by this permit, unless a timely and complete renewal application is submitted at least 6 months before the expiration date.

**15. PERMIT RENEWAL**

Upon the Department's receipt of a complete and timely application for renewal, this facility may continue to operate subject to final action by the Department on the renewal application.

In the event the Department has not taken final action on the operating permit renewal application prior to this permit's expiration date, this permit shall remain in effect until the Department takes final action on the renewal application, provided that a timely and complete renewal application has been submitted in accordance with 310 CMR 7.00: Appendix C(13).

**16. REOPENING FOR CAUSE**

This permit may be modified, revoked, reopened, and reissued, or terminated for cause by the Department and/or EPA. The responsible official of the facility may request that the Department terminate the facility's operating permit for cause. The Department will reopen



and amend this permit in accordance with the conditions and procedures under 310 CMR 7.00: Appendix C(14).

The filing of a request by the Permittee for an operating permit revision, revocation and reissuance, or termination, or a notification of a planned change or anticipated noncompliance does not stay any operating permit condition.

**17. DUTY TO PROVIDE INFORMATION**

Upon the Department's written request, the Permittee shall furnish, within a reasonable time, any information necessary for determining whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the Permittee shall furnish to the Department copies of records that the Permittee is required to retain by this permit.

**18. DUTY TO SUPPLEMENT**

The Permittee, upon becoming aware that any relevant facts were omitted or that incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. The Permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after the date a complete renewal application was submitted but prior to release of a draft permit.

The Permittee shall promptly, on discovery, report to the Department a material error or omission in any records, reports, plans, or other documents previously provided to the Department.

**19. TRANSFER OF OWNERSHIP OR OPERATION**

This permit is not transferable by the Permittee unless done in accordance with 310 CMR 7.00: Appendix C(8)(a). A change in ownership or operation control is considered an administrative permit amendment if no other change in the permit is necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between current and new Permittee, has been submitted to the Department.

**20. PROPERTY RIGHTS**

This permit does not convey any property rights of any sort, or any exclusive privilege.

**21. INSPECTION AND ENTRY**

Upon presentation of credentials and other documents as may be required by law, the Permittee shall allow authorized representatives of the Department and EPA to perform the following:

- (a) enter upon the Permittee's premises where an operating permit source activity is located or emissions-related activity is conducted, or where records must be kept under the conditions of this permit;
- (b) have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (d) Sample or monitor at reasonable times any substances or parameters for the purpose of assuring compliance with the operating permit or applicable requirements as per 310 CMR 7.00 Appendix C(3)(g)(12).

**22. PERMIT AVAILABILITY**

The Permittee shall have available at the facility, at all times, a copy of the materials listed under 310 CMR 7.00: Appendix C(10)(e) and shall provide a copy of the permit, including any amendments or attachments thereto, upon request by the Department or EPA.

**23. SEVERABILITY CLAUSE**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

**24. EMERGENCY CONDITIONS**

The Permittee shall be shielded from enforcement action brought for noncompliance with technology based<sup>1</sup> emission limitations specified in this permit as a result of an emergency<sup>2</sup>.

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<sup>1</sup> Technology based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain health based air quality standards.

In order to use emergency as an affirmative defense to an action brought for noncompliance, the Permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

- A. An emergency occurred and that the Permittee can identify the cause(s) of the emergency;
- B. The permitted facility was at the time being properly operated;
- C. During the period of the emergency, the Permittee took all reasonable steps as expeditiously as possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and
- D. The Permittee submitted notice of the emergency to the Department within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken. If an emergency episode requires immediate notification to the Division of Hazardous Waste/Emergency Response and the Emergency Response Planning Council, immediate notification to the appropriate parties should be made as required by law.

## **25. PERMIT DEVIATION**

Deviations are instances where any permit condition is violated and not reported as an emergency pursuant to section 24 of this permit. Reporting a permit deviation is not an affirmative defense for action brought for noncompliance. Any reporting requirements listed in Table 6. of this Operating Permit shall supercede the following deviation reporting requirements, if applicable.

The Permittee shall report to the Department's Regional Bureau of Waste Prevention the following deviations from permit requirements, by telephone or fax, within three (3) days of discovery of such deviation:

- Unpermitted pollutant releases, excess emissions or opacity exceedances measured directly by CEMS/COMS, by EPA reference methods or by other credible evidence, which are ten percent (10%) or more above the emission limit.
- Exceedances of parameter limits established by your Operating Permit or other approvals, where the parameter limit is identified by the permit or approval as surrogate for an emission limit.
- Exceedances of permit operational limitations directly correlated to excess emissions.

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<sup>2</sup> An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation would require immediate corrective action to restore normal operation, and that causes the source to exceed a technology based limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operations, operator error or decision to keep operating despite knowledge of any of these things.

- Failure to capture valid emissions or opacity monitoring data or to maintain monitoring equipment as required by statutes, regulations, your Operating Permit, or other approvals.
- Failure to perform QA/QC measures as required by your Operating Permit or other approvals for instruments that directly monitor compliance.

For all other deviations, three (3) day notification is waived and is satisfied by the documentation required in the subsequent Semi-Annual Monitoring Summary and Certification. Instructions and forms for reporting deviations are found in the Massachusetts Department of Environmental Protection Bureau of Waste Prevention Air Operating Permit Reporting Kit, which is included with the Operating Permit. This report shall include the deviation, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and the corrective actions or preventative measures taken.

Deviations that were reported by telephone or fax within 3 days of discovery, said deviations shall also be submitted in writing via the Operating Permit Deviation Report to the regional Bureau of Waste Prevention within ten (10) days of discovery. For deviations, which do not require 3 day verbal notification, follow-up reporting requirements are satisfied by the documentation required in the aforementioned Semi-Annual Monitoring Summary and Certification.

## **26. OPERATIONAL FLEXIBILITY**

The Permittee is allowed to make changes at the facility consistent with 42 U.S.C. §7401, §502(b)(10) not specifically prohibited by the permit and in compliance with all applicable requirements provided the Permittee gives the EPA and the Department written notice fifteen days prior to said change; notification is not required for exempt activities listed at 310 CMR 7.00: Appendix C(5)(i). The notice shall comply with the requirements stated at 310 CMR 7.00: Appendix C(7)(a) and will be appended to the facility's permit. The permit shield allowed for at 310 CMR 7.00: Appendix C(12) shall not apply to these changes.

## **27. MODIFICATIONS**

A. Administrative Amendments - The Permittee may make changes at the facility which are considered administrative amendments pursuant to 310 CMR 7.00: Appendix C(8)(a)1., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(b).

B. Minor Modifications - The Permittee may make changes at the facility which are considered minor modifications pursuant to 310 CMR 7.00: Appendix C (8)(a) 2., provided they comply with the requirements established at 310 CMR 7.00: Appendix C (8)(d).

C. Significant Modifications - The Permittee may make changes at the facility which are considered significant modifications pursuant to 310 CMR 7.00: Appendix C (8)(a) 3., provided they comply with the requirements established at 310 CMR 7.00: Appendix C (8)(c).

D. No permit revision shall be required, under any approved economic incentives program, marketable permits program, emission-trading program and other similar programs or processes, for changes that are provided in this operating permit. A revision to the permit is not required for increases in emissions that are authorized by allowances acquired pursuant to the Acid Rain Program under Title IV of the Act, provided that such increases do not require an operating permit revision under any other applicable requirement.

## **APPEAL CONDITIONS FOR OPERATING PERMIT**

This permit is an action of the Department. If you are aggrieved by this action, you may request an adjudicatory hearing within 21 days of issuance of this permit. In addition, any person who participates in any public participation process required by the Federal Clean Air Act, 42 U.S.C. §7401, §502(b)(6) or under 310 CMR 7.00: Appendix C(6), with respect to the Department's final action on operating permits governing air emissions, and who has standing to sue with respect to the matter pursuant to federal constitutional law, may initiate an adjudicatory hearing pursuant to Chapter 30A, and may obtain judicial review, pursuant to Chapter 30A, of a final decision therein.

If an adjudicatory hearing is requested, the facility must continue to comply with all existing federal and state applicable requirements to which the facility is currently subject, until a final decision is issued in the case or the appeal is withdrawn. During this period, the application shield shall remain in effect, and the facility shall not be in violation of the Act for operating without a permit.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts which are the grounds for the request, and the relief sought. Additionally, the request must state why the permit is not consistent with applicable laws and regulations.

The hearing request along with a valid check payable to The Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) must be mailed to: The Commonwealth of Massachusetts, Department of Environmental Protection, P.O. Box 4062, Boston, MA 02211.

The request will be dismissed if the filing fee is not paid unless the appellant is exempt or granted a waiver as described below. The filing fee is not required if the appellant is a city or town (or municipal agency) county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

The Department may waive the adjudicatory hearing-filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

## **28. NOMENCLATURE**

lb/hr - Pounds Per Hour  
lb/MMBtu - Pounds Per Million BTU  
°F - Fahrenheit  
10<sup>6</sup> BTU/hr - 1,000,000 BTU Per Hour  
AQCR - Air Quality Control Region  
BTU/hr - British Thermal Units Per Hour  
CEM - Continuous Emission Monitor  
CO - Carbon Monoxide  
EPA - Environmental Protection Agency  
FMF FAC. NO. - Facility Master File Number  
FMF RO NO. - Facility Master File Regulated Object Number  
FT<sup>3</sup>/day - Cubic Feet Per Day  
Gal/Day – Gallons per Day  
IA# - Insignificant Activity Number  
ISO – Represents 59°F, 60% Relative Humidity, 29.92 Inches of Mercury at Sea Level  
MADEP - Massachusetts Department of Environmental Protection  
MMBtu/hr - Million British Thermal Units Per Hour  
MW – Megawatt  
NO<sub>x</sub> - Nitrogen Oxide  
PLT ID - Plant Identification  
PM - Particulate Matter  
SO<sub>2</sub> - Sulfur Dioxide  
SIC – Standard Industrial Classification  
SSEIS - Stationary Source Emission Inventory System  
TPY - Tons Per Year  
VOC - Volatile Organic Compounds